

Application No.: 08/745,509
Filed: November 12, 1996
TC Art Unit: 3737
Confirmation No.: 6390

REMARKS

Claims 29-34 and 36-38 remain in this application. Claims 29-34 and 37 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Alfano, et al. (5,293,872) in view of Lewis, et al., Kittrell, et al., and Ito or Nagasaki, et al. claims 36 and 38 have also been rejected under 35 U.S.C. 103(a) as being unpatentable over Alfano, et al. (5,293,872) in view of Lewis, et al., Kittrell, et al., and Ito or Nagasaki, et al. and further in view of Janes, et al.

The prior Office Action indicates in the "Response to Arguments" that the showing of the Applicants' regarding nonobviousness was directed to the references individually and that the arguments concerning Ito and Nagasaki do not appear to be directed to the claimed invention.

Applicants' respectfully traverse the position set forth in the Office Action. The Applicants' contention is that it is known in the art to use dispersing devices such as spectrometers to select the wavelengths that are directed onto the detector. Although, Kittrell mentions a cutoff filter at the distal end, such a filter is not suitable for spectral detection in accordance with the invention as it is not wavelength selective (Kittrell still uses other spectral dispersion techniques before detection).

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There remains no teaching in the prior art regarding a filter suitable for spectroscopic imaging at the distal end of an endoscope. Claim 29 has been further amended to recite that the filter spectrally resolves the light that is being detected by the sensor (see the application at page 5, line 31 through page 7, line 32).

Thus, to reiterate the Alfano reference ('872) is cited for disclosing the "basic teaching of using a Raman endoscope as a diagnostic tool." Alfano also discloses the use of fluorescence detection. However, the detector devices used by Alfano are not located on the distal end of the endoscope, but are coupled to the endoscope using an interferometer (31, 65) that is not suitable for placement at the distal end of an endoscope or are clearly not imaging devices (Fig. 8). There is no teaching in Alfano of an imaging device suitable for placement at a distal end of an endoscope that provides fluorescence or Raman data. Lewis relates to a microscope system and also fails to teach or suggest that an imaging sensor can be sized with a filter to fit at the distal end of an endoscope. See Lewis in Fig. 6, which uses numerous components not suited for use at the distal end of an endoscope. As mentioned above, Kittrell also fails to teach or suggest that a combination of an imaging sensor and a filter that can be

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positioned at the distal end of an endoscope that is suitable for fluorescence or Raman detection.

The Ito and Nagasaki references are relied upon for disclosing the use of imaging devices positioned at the distal end of the endoscope. However these do not teach how to incorporate the retrieval of Raman or fluorescence data from an imaging device positioned at the distal end of an endoscope without the use of an interferometer, optical grating, monochromator, etc. that is not suitable for such use. One of ordinary skill in the art could not decipher from these references a suitable solution to this problem. Applicants respectfully request reconsideration of the rejection of the claims.

In view of the amendment and remarks, it is believed that all claims are in condition of allowance, and it is respectfully requested that the application be passed to issue.

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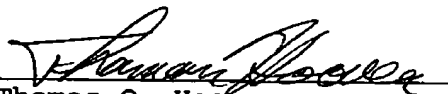
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If the Examiner feels that a telephone call would expedite the prosecution of this case, the Examiner is invited to call the undersigned at (617) 542-2290.

Respectfully submitted,

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